

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

01-O-1119

BY COUNCILMEMBERS MICHAEL BOND, CLETA WINSLOW, DEBI STARNES,
SHERRY DORSEY, AND VERN MCCARTY

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON PORTIONS OF THE RIGHTS-OF-WAY OF 16TH STREET, MECASLIN STREET, AND LYLE PLACE, SAID PORTIONS BEING APPROXIMATELY 0.846 ACRES IN AREA, LAND LOTS 108 AND 148, 17TH DISTRICT, FULTON COUNTY, GEORGIA, AND TO AUTHORIZE THE DEDICATION TO THE CITY OF ATLANTA OF CERTAIN TO-BE -CONSTRUCTED 16TH STREET RIGHT-OF-WAY, SAID NEW RIGHT-OF-WAY BEING APPROXIMATELY 3.051 ACRES IN AREA, LAND LOTS 108 AND 148, 17TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, in December 2000, Atlantic Station, L.L.C. ("Atlantic Station") purchased approximately 144 acres in northwest Atlanta known as the Atlantic Steel Mill site; and

WHEREAS, Atlantic Station is now developing the property in accordance with a Redevelopment Plan adopted by the City of Atlanta; and

WHEREAS, as part of the redevelopment program, Atlantic Station, in consultation with the City of Atlanta and the Georgia Department of Transportation, has designed and plans to construct a realignment of a portion of 16th Street, N.W.; and

WHEREAS, to accomplish this realignment, Atlanta Station has petitioned the City of Atlanta to abandon portions of the rights-of-way of 16th Street, Mecaslin Street, and Lyle Place, as depicted as parcels A, B, C and D on the survey attached hereto as Exhibit A, prepared by Lowe Engineers, LLC, dated October 30, 2000, said portions being approximately 0.846 acres in area, located in Land Lots 108 and 148, Fulton County, Georgia; and

WHEREAS, in consideration for the abandonment requested by said petition, Atlantic Station proposes to dedicate to the City of Atlanta certain to-be-constructed right-of-way of 16th Street, as depicted as parcels 1, 2, 3 and 4 on Exhibit A, said dedication being approximately 3.051 acres in area, located in Land Lots 108 and 148, Fulton County, Georgia; and

WHEREAS, Atlantic Station is the owner of all abutting property which is the subject of the petition for abandonment; and

WHEREAS, the abandoned street right-of-way shall become a part of Atlantic Station's private property and shall be Atlantic Station's responsibility to maintain; and

WHEREAS, the petition for abandonment has been reviewed and approved by the Bureau of Purchasing and Real Estate, the Department of Public Works, and the City Utilities Committee and is deemed to be in the best interest of the City to consummate; and



WHEREAS, because the area and value of right-of-way to be dedicated to the City of Atlanta far exceeds the area and value of right-of-way to be abandoned, the Director of the Bureau of Purchasing and Real Estate of the City of Atlanta recommends waiving the fee customarily required for petitions for abandonment; and

WHEREAS, because the area and value of right-of-way to be dedicated to the City of Atlanta far exceeds the area and value of right-of-way to be abandoned, the City Council of the City of Atlanta has determined it appropriate to waive the appraisal requirement;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

- Section 1: That the portions of the rights-of-way of 16th Street, Mecaslin Street, and Lyle Place, as depicted as parcels A, B, C and D on the survey attached hereto as Exhibit A, prepared by Lowe Engineers, LLC, dated October 30, 2000, said portions being approximately 0.846 acres in area, located in Land Lots 108 and 148, Fulton County, Georgia, are hereby declared no longer useful or necessary for the public use and convenience, and are hereby abandoned (hereinafter the "Abandonment Parcels").
- Section 2: That the City is authorized to convey by Quitclaim Deed to Atlantic Station (or its designee[s]) the Abandonment Parcels and, as a condition of waiving the requirement for the payment of fair market value under City Ordinances Nos. 2-1578 and 138-9, Atlantic Station shall dedicate future right-of-way, as described in Section Six (6) below, to the City.
- Section 3: That the City of Atlanta hereby abandons the above-described portions of 16th Street, Mecaslin Street, and Lyle Place with the reservation for existing public or private utility easements for the purpose of entering the property to operate, maintain, or replace utility facilities. These easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.
- Section 4: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, the City Attorney is hereby directed to prepare a Quit Claim Deed for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction, to be approved by the City Attorney as to form.
- Section 5: That the Quitclaim Deed will not become binding upon the City and the City will not incur any liability thereunder until all documents related to the abandonment of said right-of-way have been attested to by the Municipal Clerk and delivered to Atlantic Station or its designee(s).
- Section 6: That upon reconstruction of 16th Street, the City of Atlanta is authorized to accept certain right-of-way for dedication by Atlantic Station for public use, depicted as parcels 1, 2, 3 and 4 on Exhibit A, said dedication being approximately 3.051 acres in area, located in Land Lots 108 and 148, Fulton County, Georgia.



Section 7:

That if the right-of-way dedication described in Section 6. does not occur on or before September 1, 2006, Atlantic Station will pay to the City the appraised value of the abandoned right-of-way.

Section 8:

That all code sections, ordinances, and part of code sections and ordinances in conflict with this Ordinance are waived.

A true copy,

Shonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 01, 2001
OCT 09, 2001

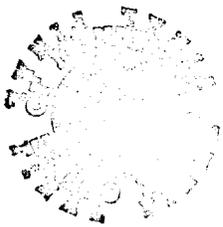


EXHIBIT " "

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 148 of the 17th District, Fulton County, Georgia, being more particularly described as follows:

COMMENCE at a ½" rebar found at the intersection of the westerly right-of-way line of Mecaslin Street (50' right-of-way width) and the northerly right-of-way line of 16th Street (50' right-of-way width); thence run along and coincident with westerly right-of-way line of Mecaslin Street South 00°05'44" West, a distance of 379.42 feet to a point, said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence leave the westerly right-of-way line of Mecaslin Street and run North 61°06'03" East, a distance of 55.35 feet to a point on the easterly right-of-way line of Mecaslin Street; thence run along and coincident with the easterly right-of-way line of Mecaslin Street South 00°00'52" West, a distance of 156.44 feet to a point; thence leave the easterly right-of-way line of Mecaslin Street and run North 00°00'52" East, a distance of 1.04 feet to a point; thence run along the arc of a curve to the right, an arc distance of 57.79 feet (said curve having a radius of 125.00 feet, being subtended by a chord bearing North 16°50'40" West, a chord distance of 57.28 feet) to a point; thence run North 30°05'19" West, a distance of 65.74 feet to a point; thence run North 00°05'44" East, a distance of 14.01 feet to a point; thence run North 15°30'22" East, a distance of 4.14 feet to a point on the westerly right-of-way line Mecaslin Street, said point being the TRUE POINT OF BEGINNING.

Said tract containing 0.086 acres and being more particularly shown as "Parcel A" on that certain 16th Street Exchange Survey, Property to be conveyed to the City of Atlanta by Atlantic Station, L.L.C., prepared by Lowe Engineers, LLC, bearing the seal and certification of William. J. Daniel III, Georgia Registered Land Surveyor No. 2257, dated February 23, 2001 (the "Survey").

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 148 of the 17th District, Fulton County, Georgia, being more particularly described as follows:

BEGIN at a ½" rebar found at the intersection of the westerly right-of-way line of Mecaslin Street (50' right-of-way width) and the northerly right-of-way line of 16th Street (50' right-of-way width); thence run along and coincident with the northerly right-of-way line of 16th Street South 89°16'54" East, a distance of 291.58 feet to a point; thence leave the northerly right-of-way line of 16th Street and run South 00°43'05" West, a distance of 50.00 feet to a point on the southerly right-of-way line of 16th Street; thence run along and coincident with the southerly right-of-way line of 16th Street North 89°16'54" West, a distance of 241.27 feet to a point on the easterly right-of-way line of Mecaslin Street; thence leave the southerly right-of-way line of 16th Street and run along and coincident with the easterly right-of-way line of Mecaslin Street South 00°43'05" West, a distance of 54.00 feet to a point; thence continue to run along and coincident with the easterly right-of-way line of Mecaslin Street South 00°00'52" West, a distance of 175.51



feet to a point; thence leave the easterly right-of-way line of Mecaslin Street and run South 61°06'03" West, a distance of 56.50 feet to a point on the westerly right-of-way line of Mecaslin Street; thence run along and coincident with westerly right-of-way line of Mecaslin Street North 00°05'44" East, a distance of 307.44 feet to a ½" rebar found on the northerly right-of-way line of 16th Street, said rebar found being the POINT OF BEGINNING.

Said tract containing 0.610 acres and being more particularly shown as "Parcel B" on that certain Survey.

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 148 of the 17th District, Fulton County, Georgia, being more particularly described as follows:

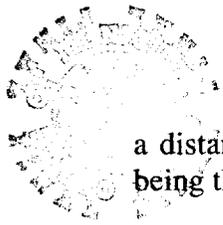
COMMENCE at a ½" rebar found at the intersection of the westerly right-of-way line of Mecaslin Street (50' right-of-way width) and the northerly right-of-way line of 16th Street (50' right-of-way width); thence run along and coincident with the northerly right-of-way line of 16th Street South 89°16'54" East, a distance of 391.58 feet to a point, said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence continue to run along and coincident with the northerly right-of-way line of 16th Street South 89°16'54" East, a distance of 124.26 feet to a point; thence leave the northerly right-of-way line of 16th Street and run along the arc of a curve to the left, an arc distance of 31.92 feet (said curve having a radius of 496.50 feet, being subtended by a chord bearing South 62°56'32" West, a chord distance of 31.91 feet) to a point; thence run South 61°06'03" West, a distance of 50.00 feet to a point on the southerly right-of-way line of 16th Street; thence run along and coincident with the southerly right-of-way line of 16th Street North 89°16'54" West, a distance of 52.56 feet to a point; thence leave the southerly right-of-way line of 16th Street and run North 00°43'05" East, a distance of 39.58 feet to a point on the northerly right-of-way line of 16th Street, said point being the TRUE POINT OF BEGINNING.

Said tract containing 0.080 acres and being more particularly shown as "Parcel C" on that certain Survey.

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 108 of the 17th District, Fulton County, Georgia, being more particularly described as follows:

BEGIN at the point of intersection of the westerly right-of-way line of Lyle Place (40' right-of-way width) and the southerly right-of-way line of 16th Street (50' right-of-way width); thence run along and coincident with the southerly right-of-way line of 16th Street South 88°57'30" East, a distance of 40.34 feet to the point on the easterly right-of-way line of Lyle Place; thence leave the southerly right-of-way line of 16th Street and run along and coincident with the easterly right-of-way line of Lyle Place South 00°23'36" West, a distance of 75.78 feet to a point; thence leave the easterly right-of-way line of Lyle Place and run North 89°16'18" West, a distance of 40.30 feet to a point on the westerly right-of-way line of Lyle Place; thence run along and coincident with the westerly right-of-way line of Lyle Place North 00°21'42" East,



a distance of 76.00 feet to a point on the southerly right-of-way line of 16th Street, said point being the POINT OF BEGINNING.

Said tract containing 0.070 acres and being more particularly shown as "Parcel D" on that certain Survey.

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1018

CONSENT

10/01/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-1570
2. 01-O-1571
3. 01-O-1354
4. 01-O-1488
5. 01-O-1335
6. 01-O-1336
7. 01-O-1337
8. 01-O-1342
9. 01-O-1343
10. 01-O-1344
11. 01-O-1345
12. 01-O-1346
13. 01-O-1119
14. 01-O-1351
15. 01-O-1572
16. 01-R-1588
17. 01-R-1273
18. 01-R-1276
19. 01-R-1428
20. 01-R-1456
21. 01-R-1471
22. 01-R-1499
23. 01-R-1580
24. 01-R-1581
25. 01-R-0921
26. 01-R-1561
27. 01-R-1584
28. 01-R-1521
29. 01-R-1522
30. 01-R-1523
31. 01-R-1524
32. 01-R-1525
33. 01-R-1526
34. 01-R-1527
35. 01-R-1528
36. 01-R-1545
37. 01-R-1546
38. 01-R-1547

**ITEMS ADVERSED
ON CONSENT AGENDA**

39. 01-R-1529
 40. 01-R-1530
 41. 01-R-1531
 42. 01-R-1532
 43. 01-R-1533
 44. 01-R-1534
 45. 01-R-1535
 46. 01-R-1536
 47. 01-R-1537
 48. 01-R-1538
 49. 01-R-1539
 50. 01-R-1540
 51. 01-R-1541
 52. 01-R-1542
 53. 01-R-1543
 54. 01-R-1544
 55. 01-R-1548
 56. 01-R-1549
 57. 01-R-1550
 58. 01-R-1551
 59. 01-R-1552
 60. 01-R-1553
 61. 01-R-1554
 62. 01-R-1555
 63. 01-R-1556
 64. 01-R-1557
 65. 01-R-1558
 66. 01-R-1559
 67. 01-R-1560
-

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW

01-0 -1119

(Do Not Write Above This Line)

AN ORDINANCE

BY: *[Signature]*

An Ordinance to abandon portions of the Right-of-Way of 16th Street, said portions being approximately 0.846 acres in area, Land Lots 108 and 148, 17th District, Fulton County, Georgia, and to authorize the dedication to the City of Atlanta of certain to be constructed 16th Street Right-of-Way, said new Right-of-Way being approximately 3.051 acres in area, Land Lots 108 and 148, 17th District, Fulton County, Georgia; and for other purposes.

substitute
ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 7/16/01
 Referred To: City Utilities
 Date Referred
 Referred To:
 Date Referred
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee: City Utilities
 Date: 8-6-01
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]

Committee: City Utilities
 Date: 8-25-01
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]

Committee: City Utilities
 Date: 8-11-01
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other: Public Hearings Held
 Members: _____
 Refer To: _____

Committee: _____
 Date: _____
 Chair: _____
 Action: _____
 Other: _____
 Members: _____
 Refer To: _____

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
 OCT 01 2001
 [Signature]
 COUNCIL PRESIDENT

MAYOR'S ACTION

[Signature]
 OCT 7 2001